



Cover Memorandum/Staff Report

File #: 24-1086

Agenda Date: 9/3/2024

Item #: 9.A.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 3, 2024

ORDINANCE NO. 14-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "DEVELOPMENT APPLICATION REQUIREMENTS," SECTION 2.4.11, "RELIEF," TO ELIMINATE THE PUBLIC PARKING FEE PROVISIONS AND TO MODIFY THE REQUIRED FINDINGS AND PROCEDURES FOR APPROVING AN IN-LIEU OF PARKING FEE REQUEST; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TO CORRECT CROSS-REFERENCES AND IMPROVE READABILITY; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," TO ELIMINATE THE PUBLIC PARKING FEE PROVISIONS, MODIFY PROVISIONS ALLOWING FOR ALTERNATE METHODS OF PROVIDING OFF-STREET PARKING, AND ADOPTING STANDARDS FOR AN IN-LIEU OF PARKING FEE PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommended Action:

Consider Ordinance No. 14-24, a City-initiated amendment to Section 2.4.11, "Relief," Section 4.4.13, "Central Business (CBD) District," and Section 4.6.9, "Off-street parking regulations" of the Land Development Regulations (LDR) to modify the in-lieu of parking fee and to eliminate the public parking fee.

Background:

The in-lieu parking fee has existed in various iterations since the 1970s, with availability limited to properties within the Central Business District (CBD) and Old School Square Historic Arts District (OSSHAD) zoning districts. The in-lieu of parking fee, pursuant to Land Development Regulations (LDR) Section 4.6.9(E)(3), "allows *new development, use conversion to existing buildings, building additions and/or renovations, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in-lieu of parking program.*"

On May 2, 2023, a "zoning in progress" relative to the in-lieu parking program was adopted by the City Commission via Resolution No. 102-23, and extended to October 17, 2024 via Resolution No. 196-23 and Resolution No. 84-24. The Resolutions recognize "zoning in progress" with respect to the preparation and review of proposed amendments to the City's LDR for in lieu of parking requests.

The ordinance revamps the in lieu of parking program to limit this alternative method of meeting off-street parking requirements to projects that maintain the moderate scale of the downtown, provide for adaptive reuse, support historic preservation efforts, or revitalize the West Atlantic Neighborhood Sub-district by implementing the West Atlantic Master Plan.

The attached staff report provides a full analysis of the in-lieu of parking fee and the proposed changes. The required findings to approve in lieu of parking fee requests are also proposed to change to provide more measurable criteria and to better reflect City goals.

An accompanying resolution will establish new fees and will be considered at second reading of the ordinance. The resolution continues to allow for a one-time fee per space; however, the proposed fees are much higher, reflective of the cost of constructing parking garages and the time-value of money. Resolution No. 80-24 is attached for information purposes only.

The following boards reviewed the request and provided recommendation:

- Parking Management Advisory Board, May 28, 2024. Recommendation of approval.
- Downtown Development Authority, June 10, 2024. Recommendation of approval.
- Historic Preservation Board, July 3, 2024. Voted 6-0 to recommend approval; and recommended that the radius for available public parking options be increased from 750 feet to a quarter mile (5-minute walk); staff used 750 feet (3-minute walk) as previous City Commission considered a quarter mile too far for off-site parking arrangements.
- Planning and Zoning Board, July 15, 2024. Voted 7-0 to recommend approval.

City Attorney Review:

Ordinance No. 14-24 is approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 14-24 will be effective immediately upon adoption; second reading is in advance of the expiration of the adopted Zoning in Progress. Ordinance No. 14-24 will be heard concurrent with Resolution No. 80-24, adopting an updated fee schedule.